United Nations ST/IC/2018/12

Secretariat

9 February 2018

Information circular*

To: Members of the staff at Headquarters

From: The Assistant Secretary-General for Human Resources Management

Subject: **Hourly wage for household employees on G-5 visas**

1. The purpose of the present circular is to inform staff members who hold a G-4 visa and employ a household employee to whom a G-5 visa has been granted of a diplomatic note received from the United States Mission to the United Nations (see annex). The note concerns changes to the minimum hourly wage to be paid to such household employees.

2. The United States Mission advises the Secretariat that the City of New York has raised the prevailing minimum wage for domestic workers to $12 per hour in the New York City metropolitan area for the period from 31 December 2017 to 30 December 2018.

3. The United States Mission also advises that, for all hours worked, personal servants, attendants and domestic workers who are in the United States with non-immigrant G-5 visa status must be paid the highest applicable minimum wage under United States federal or state law or the prevailing minimum wage in the location where they are employed. All domestic employees on G-5 visas in the New York City metropolitan area must therefore be paid according to the prevailing minimum wage, which is $12 per hour for all hours worked. All new and existing contracts between domestic workers and their employers must reflect at least the minimum hourly wage established for the New York City metropolitan area.

4. In addition, the United States Mission maintains that it is not permissible to withhold from wages any amount for meals, housing or other expenses, such as the provision of medical care, medical insurance or travel, as set out in diplomatic note HC-59-S-14, dated 3 July 2014 (available from https://usun.state.gov/sites/default/files/organization_pdf/229759.pdf).

* The present circular, which will be in effect until further notice, supersedes ST/IC/2017/7.

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Annex

Diplomatic note dated 31 January 2018 from the United States Mission to the United Nations addressed to the Secretariat

The United States Mission to the United Nations presents its compliments to the United Nations Secretariat and has the honour to refer to its circular diplomatic note HC-06-(S)-17, dated 20 January 2017 (available at https://usun.state.gov/6659), regarding the employment of domestic workers who are in the United States in non-immigrant G-5 status. The United Nations Secretariat will note that for all hours worked, such domestic workers must be paid the greater of the minimum wage under United States federal or state law or the prevailing wage in the specific location (city and state) of the residence where the domestic worker is employed.

The United States Mission wishes to inform the United Nations Secretariat that according to article 19 of the New York State Labor Law, all employees in New York State, including domestic workers, must be paid at least the applicable hourly wage rate. The City of New York has updated its minimum wage requirement to $12 per hour for the period beginning 31 December 2017 and ending 30 December 2018. The current minimum wage rate for employers with less than 10 employees in the New York City area may be found online at the New York State Department of Labor website (www.labor.ny.gov/workerprotection/laborstandards/workprot/minwage.shtm).

Therefore, domestic workers employed in residences in the New York City metropolitan area must be paid in accordance with the local minimum wage rate noted above. In addition, all new contracts between domestic workers and their employers must reflect the updated wage amounts and all existing contracts already in effect must be amended to reflect the updated wage amounts, with the changes initialled by both the domestic worker and the employer.